

LAND ACQUISITION AND STATE ASSISTANCE

Appropriation Language

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [\$147,925,000] ~~\$172,468,000~~, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which [\$500,000] ~~\$1,000,000~~ is to administer the State assistance program: Provided, That [any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress: Provided further, That the Secretary may acquire interests in the property known as George Washington's Boyhood Home, Ferry Farm, from the funds provided under this heading without regard to any restrictions of the Land and Water Conservation Fund Act of 1965: Provided further, That from the funds made available for land acquisition at Everglades National Park and Big Cypress National Preserve, the Secretary may provide for] ~~such funds may be used by the Secretary to provide~~ Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys) under terms and conditions deemed necessary by the Secretary, to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading to the State of Florida are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades. (16 U.S.C. 410r-5-8).

Justification of Proposed Language Changes

1. Deletion: "any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress:"

This language is proposed to be deleted because the full purchase amount has now been appropriated.

2. Deletion: "Provided further, That the Secretary may acquire interests in the property known as George Washington's Boyhood Home, Ferry Farm, from the funds provided under this heading without regard to any restrictions of the Land and Water Conservation Fund Act of 1965: "

This language is proposed to be deleted because no land acquisition funds are being requested for George Washington's Boyhood Home in FY 2000.

3. Deletion: "Provided further, That from the funds made available for land acquisition at Everglades National Park and Big Cypress National Preserve, the Secretary may provide for"
Addition: "such funds may be used by the Secretary to provide"

The deletion and addition are proposed to allow the Secretary discretion to provide any funds appropriated to the State of Florida for restoration of the Everglades, if necessary.

Appropriation Language Citations

1. For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11),

16 U.S.C. 460 1-4 through 11

16 U.S.C. 460 1-4-11 contains the provisions of the Land and Water Conservation Fund Act of 1965, as amended,

Land Acquisition and State Assistance/Appropriation Language, Changes and Citations

including authorization for appropriations to carry out the provisions of the act.

2. including administrative expenses,

16 U.S.C. 460 1-4 through 11

16 U.S.C. 460 1-4-11 is considered to provide implied authority to appropriate funds for administrative expenses to carry out the purposes of the act. This implied authority is recognized by Congress in appropriation language and appropriation committee reports designating specific amounts for administrative expenses.

3. and for acquisition of lands or waters, or interests therein, in accordance with statutory authority applicable to the National Park Service, \$_____.

16 U.S.C. 460 1-9

16 U.S.C. 460 1-9 authorizes appropriations from the fund for "acquisition of land, waters, or interests in land or waters" for the National Park System and defines how this Federal land acquisition program shall be administered.

4. to be derived from the Land and Water Conservation Fund,

16 U.S.C. 460 1-5 and 6

16 U.S.C. 460 1-5 and 6 establishes the Land and Water Conservation Fund, provides for \$900,000,000 annual revenues to the fund through fiscal year 2015, and authorizes appropriations from the fund.

5. to remain available until expended,

16 U.S.C. 460 1-6

16 U.S.C. 460 1-6 states that appropriations from the fund "may be made without fiscal year limitation."

6. of which \$_____ is to administer the State assistance program:

16 U.S.C. 460 1-4 through 11

16 U.S.C. 460 1-4-11 is considered to provide implied authority to appropriate funds for administrative expenses of the state assistance program.

7. Provided, That such funds may be used by the Secretary to provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands or waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys) under terms and conditions deemed necessary by the Secretary, to improve and restore the hydrological function of the Everglades watershed:

16 U.S.C. 410r-5-8

16 U.S.C. 410r-5-8, the Everglades National Park Protection and Expansion Act of 1989, as amended, authorizes transfer of funds by the NPS to the State of Florida for land acquisition in certain areas.

Land Acquisition and State Assistance/Appropriation Language, Changes and Citations

8. Provided further, That funds provided under this heading to the State of Florida are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades.

16 U.S.C. 410r-8(k)(3)

16 U.S.C. 410r-8(k)(3) provides that, “All funds made available pursuant to this subsection shall be transferred to the State of Florida or a political subdivision of the State, subject to an agreement that any lands acquired with such funds will be managed in perpetuity for the restoration of natural flows to the park or Florida Bay.”

Land Acquisition and State Assistance/Appropriation Language, Changes and Citations

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year [1999] 2000 by 16 U.S.C. 460l-10a is rescinded.